

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

LaKrystal Coats, as Personal Representative of the Estate of Demetric Cowan,)	C/A #: 1:17-cv-02930-TLW-SVH
Plaintiff,)	
v.)	
Ray Pope, in his individual capacity;)	RULE 59(e) MOTION BY DEFENDANT OSBORNE
FNU Nichols, in his individual capacity;)	
FNU Cardarelli, in his individual capacity; FNU White, in his individual capacity; Gerald Brooks, in his official capacity as Chief of Police of the City of Greenwood; Sidney Montgomery, in his individual capacity; Roy Murray, in his individual capacity; Pamela Osborne, in her individual capacity; Tony Davis, in his official capacity as Sheriff of Greenwood County,)	
Defendants.)	

YOU WILL PLEASE TAKE NOTICE that the undersigned attorney for the Defendant Pamela Osborne, will move before the United States District Court Judge for the District of South Carolina, for an Order pursuant to Rule 59(e), Fed.R.Civ.P., altering or amending its Order dated October 30, 2019, ECF No. 57, in the following particulars and on the following grounds:

1. Defendant Osborne asks the Court to reconsider and amend its ruling permitting the Fourteenth Amendment claim for deliberate indifference to serious medical needs to go forward against her when the Plaintiff has no evidence that any act or omission on her part

caused or contributed to the decedent's death. This motion seeks an amended ruling on that issue that grants summary judgment in her favor on the wrongful death aspect of that claim.

2. Defendant Osborne asks the Court to reconsider and amend its ruling permitting the Fourteenth Amendment claim for deliberate indifference to serious medical needs to go forward against her when the Plaintiff has no evidence that any act or omission on her part caused or contributed to the decedent's conscious pain and suffering. This motion seeks an amended ruling on that issue that grants summary judgment in her favor on the survival aspect of that claim.

3. Defendant Osborne asks the Court to reconsider and amend its ruling permitting the Fourteenth Amendment claim for deliberate indifference to serious medical needs to go forward against her when there is no evidence that she personally violated the decedent's constitutional rights. This motion seeks an amended ruling that grants summary judgment in her favor on that claim.

4. Defendant Osborne asks the Court to reconsider and amend its ruling permitting the Fourteenth Amendment claim for deliberate indifference to serious medical needs to go forward against her when she acted in a manner that was objectively reasonable with respect to the decedent and did not violate any clearly established constitutional right. This motion seeks an amended ruling on that issue that grants summary judgment in her favor based upon her qualified immunity.

The grounds for this motion are more fully set out in a memorandum of authority filed with the motion.

This motion is based upon the pleadings, the memorandum in support of the motion, federal and state case law and statutes, the record before the Court and such other matters as may be properly presented to the Court.

The undersigned did not consult with opposing counsel prior to filing this motion because it is exempt under Local Civil Rule 7.02, DSC, as it requests an amendment of an Order issued in response to a motion for summary judgment. Further, the parties have briefed the issues extensively and consultation would be of no benefit.

By: s/ David L. Morrison
David L. Morrison (Fed. #3581)
7453 Irmo Drive, Suite B
Columbia, South Carolina 29212
Phone: (803) 661-6285
Fax: (803) 661-6289
E-mail: david@dmorrison-law.com
Attorneys for Defendant Osborne

Columbia, South Carolina

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